

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE**

In re:

Bk. No. 08-12455-JMD
Chapter 13

Christopher C. Donigian and Sandra C. Donigian,
Debtor(s)

Lawrence P. Sumski,
Plaintiff(s)

v.

Adv. No. 10-01098-LHK

Jacob Donigian, et al.,
Defendant(s)

AMENDED MINUTE ENTRY/ORDER OF THE COURT

Hearing Date: 8/23/2011

Nature of Proceeding: Doc# 36 Motion to Reconsider Filed by Plaintiff Lawrence P. Sumski (RE: related document(s) [34] Order on Motion For Summary Judgment)

Outcome of Hearing:

With respect to Count IV, the argument is that counsel for the Defendant made an admission of insolvency at the initial hearing on the motion for summary judgment. The Court will review the transcript (provided by counsel for the Plaintiff).

The question of insolvency with respect to Counts I and V was resolved at the original hearing on the motion for summary judgment based on the record at that time.

On the motion for reconsideration, the Plaintiff has asked the Court to consider the schedules even though there was no reference to the pertinent portion of the schedules and statement of affairs in the statement of material facts on the motion for summary judgment.

RULING: the motion for reconsideration is **DENIED** with respect to Counts I and V because argument and evidence were not presented at the time of the hearing on the motion for summary judgment. Reconsideration will be taken under advisement with respect to Count IV.

IT IS SO ORDERED:

/s/ Louis H. Kornreich

Louis H. Kornreich
Bankruptcy Judge
Sitting by designation

8/25/11